

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

VICTOR CEDILLOS,

Plaintiff,

v.

YOUNGBLOOD, *et al.*,

Defendants.

Case No. 1:21-cv-00138-BAM (PC)

ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*
(ECF No. 2)

ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY KERN COUNTY
JAIL (LERDO PRETRIAL FACILITY)

Plaintiff Victor Cedillos (“Plaintiff”) is a county jail inmate proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983.

On February 3, 2021, Plaintiff filed a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) Plaintiff attached a statement to his application indicating that he asked the Kern County Sheriff’s Department facility for a certified copy of his trust account statement but never got one back. Instead, Plaintiff only received the *in forma pauperis* application signed by a floor officer certifying a current balance of \$301.00 in Plaintiff’s trust account as of January 28, 2021. Plaintiff also attached a copy of a request slip inquiring about the status of his trust statement, with a response from staff that states “Administration is no longer proving [sic] account summary reports,” dated January 30, 2021. (*Id.* at 4.)

Although Plaintiff is required to submit a certified copy of his trust account statement together with his *in forma pauperis* application, 28 U.S.C. § 1915(a)(2), the Court finds that Plaintiff has provided sufficient support for his allegations that jail officials have failed and/or refused to provide Plaintiff with a copy of his inmate trust account statement, despite his requests. In addition, the information available to the Court demonstrates that Plaintiff is unable to afford the costs of this suit.

1 Plaintiff has made the showing required by § 1915(a) and accordingly, the request to
2 proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of
3 \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments
4 in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's
5 trust account. Kern County Jail (Lerdo Pretrial Facility) is required to send to the Clerk of the
6 Court payments from Plaintiff's trust account each time the amount in the account exceeds
7 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 2), is GRANTED;
- 10 2. **The Sheriff of Kern County Jail (Lerdo Pretrial Facility) or his or her designee shall**
11 **collect payments from Plaintiff's prison trust account in an amount equal to twenty**
12 **percent (20%) of the preceding month's income credited to the prisoner's trust**
13 **account and shall forward those payments to the Clerk of the Court each time the**
14 **amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2),**
15 **until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.**
16 **The payments shall be clearly identified by the name and number assigned to this**
17 **action;**
- 18 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's *in*
19 *forma pauperis* application on the Sheriff of the Kern County Jail (Lerdo Pretrial Facility),
20 via the United States Postal Service; and
- 21 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
22 Department, U.S. District Court, Eastern District of California.

23 IT IS SO ORDERED.
24

25 Dated: February 4, 2021

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
28